
IMPLEMENTING GUIDANCE FOR REQUESTS TO DISSEMINATE NONPUBLIC IDENTITY INFORMATION WITH RESPECT TO KNOWN UNCONSENTING U.S. PERSONS OMITTED FROM INTELLIGENCE REPORTING

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MSGID/GENADMIN/CMC WASHINGTON DC ///

SUBJ/IMPLEMENTING GUIDANCE FOR REQUESTS TO DISSEMINATE NONPUBLIC
IDENTITY INFORMATION WITH RESPECT TO KNOWN UNCONSENTING U.S.
PERSONS OMITTED FROM INTELLIGENCE REPORTING//

REF/A/DOC/INTELLIGENCE COMMUNITY POLICY GUIDANCE (ICPG) 107.1,
REQUESTS FOR IDENTITIES OF U.S. PERSONS IN DISSEMINATED INTELLIGENCE
REPORTS /JAN18//

REF/B/DOC/DOD MANUAL (DODM) 5240.01, PROCEDURES GOVERNING THE
CONDUCT OF DOD INTELLIGENCE ACTIVITIES /AUG16//

REF/C/DOC/DEPARTMENT OF DEFENSE (DOD) 5240.1-R, CHANGE 2, ACTIVITIES OF
DOD INTELLIGENCE COMPONENTS THAT AFFECT UNITED STATES
PERSONS /DEC82//

REF/D/DOC/DOD DIRECTIVE (DODD) 5148.13, INTELLIGENCE OVERSIGHT/APR17//

REF/E/DOC/MARINE CORPS ORDER 3800.2B, OVERSIGHT OF INTELLIGENCE
ACTIVITIES/APR04//

NARR/REF A ESTABLISHES GUIDANCE FOR RESPONDING TO REQUESTS FOR THE
IDENTITIES OF U.S. PERSONS IN DISSEMINATED INTELLIGENCE REPORTS. REF B

ESTABLISHES PROCEDURES TO ENABLE THE DOD TO CONDUCT AUTHORIZED INTELLIGENCE ACTIVITIES. REF C SETS FORTH PROCEDURES GOVERNING THE ACTIVITIES OF DOD INTELLIGENCE COMPONENTS THAT AFFECT UNITED STATES PERSONS. REF D ESTABLISHES POLICIES, ASSIGNS RESPONSIBILITIES, AND PROVIDES PROCEDURES FOR EMPLOYEE CONDUCT AND IDENTIFYING, INVESTIGATING, AND REPORTING QUESTIONABLE INTELLIGENCE ACTIVITIES AND SIGNIFICANT OR HIGHLY SENSITIVE MATTERS. REF E ESTABLISHES POLICY, PROCEDURES, AND RESPONSIBILITIES GOVERNING THE INSPECTION AND OVERSIGHT OF ACTIVITIES OF U.S. MARINE CORPS INTELLIGENCE//

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GENTEXT/Remarks/1. This implementing guidance is consistent with references A-D and will be implemented within the rewrite of reference E.

2. On occasion, the U.S. Marine Corps may be requested to disseminate nonpublic identity information concerning a known unconsenting U.S. person that has been omitted from intelligence reporting (hereafter a "covered request"). Whenever the U.S. Marine Corps receives a covered request from an entity of the U.S. Government or a state, local, tribal, or territorial government (a "requesting entity"), the following procedures will be followed.

2.a. The terms "exigent circumstances," "identity information," "originating element," and "U.S. person" have the meanings given them in Section D of the reference A.

2.b. All requests will be documented in writing.

2.c. The written request must be approved/disapproved by the Director of Intelligence (DIRINT), Intelligence Department, Headquarters, U.S. Marine Corps or a person designated, in writing. Coordination of the covered request must include a review by the Judge Advocate Division (JAO), Headquarters, U.S. Marine Corps.

2.d. If the Marine Corps is not the originating element of the information associated with the covered request, the Marine Corps will obtain the concurrence of the head or designee of the originating element, before approving the covered request.

2.e. Upon approval or disapproval by the DIRINT or designee, the Marine Corps Intelligence Oversight Official will maintain the documentation of the request, including the name of the person who approved or denied the request, according to U.S. Marine Corps records management practices, for a minimum of five years.

2.f. The Marine Corps shall apply the specific processes for covered requests made during a period beginning on the date of a general election for President and ending on the date on which such President is inaugurated as set forth in Section E.1.f of the reference A.

2.g. The Marine Corps Intelligence Oversight Official will prepare an annual report regarding covered requests received during the previous calendar year that will include: (1) the total number of covered requests received; (2) of such total number, the number of requests approved; (3) of such total number, the number of requests denied; and (4) for each number calculated under paragraphs (1) through (3), the sum total by each requesting entity. This

annual report will be submitted to the Office of the Director of National Intelligence, congressional intelligence committees, and the Secretary of Defense (via the DoD Senior Intelligence Oversight Official (SIOO)) no later than 15 February.

2.h. In the event of exigent circumstances or where a delay could negatively impact intelligence activities, individuals receiving a covered request may release the information immediately based on the rationale provided by the requesting entity. The rationale may be provided orally or in writing. Within five business days after such a disclosure, in accordance with Section E.1 of reference A. Such basis will be reviewed by Judge Advocate Division, Headquarters, U.S. Marine Corps, before submitting the covered request to DIRINT or designee for ratification or disapproves of the dissemination. If DIRINT or designee disapproves with the dissemination, DIRINT or designee will consult with the DoD SIOO on any remedial action that may be warranted.

3. Release authorized by Ms. J. D. Cole, SNIS, Deputy Assistant Director of Intelligence for Enterprise Operations, U.S. Marine Corps.//